



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Environmental Quality

Amanda Smith
Executive Director

DIVISION OF RADIATION CONTROL
Rusty Lundberg
Director

Radiation Control Board

Peter A. Jenkins, CHP, Ph.D. – *Chair*
Scott Bird – *Vice Chair*
Brady Bradford
Dick Codell, Ph.D.
Jerry Hurst, Tooele County Commissioner
Lindsey Christensen Nesbitt, Ph.D.
Ulrich Rassner, M.D.
Matt W. Rydalch
Amanda Smith – *Executive Director*
Rusty Lundberg, *Executive Secretary*

MINUTES OF THE UTAH RADIATION CONTROL BOARD

October 8, 2013

Department of Environmental Quality
Multi Agency State Office Building
Conference Room 1015, 195 North 1950 West, Salt Lake City, Utah

BOARD MEMBERS PRESENT

Peter Jenkins, CHP, Ph.D.
Richard Codell, Ph.D.
Rusty Lundberg, Executive Secretary
Brady Bradford
Commissioner Jerry Hurst
Lindsey Christensen Nesbitt, Ph.D.
Matt Rydalch

BOARD MEMBERS ABSENT/EXCUSED

Scott Bird
Ulrich Rassner
Amanda Smith, Executive Director DEQ

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Craig Jones, DRC Section Manager
Ryan Johnson, DRC Staff
Lisa Mechem, DRC Staff
Gwyn Galloway, DRC Staff
Phil Goble, DRC Section Manager
Loren Morton, DRC Program Manager
Laura Lockhart, AG Staff

PUBLIC

Dan Shrum, EnergySolutions
Sean McCandless, EnergySolutions
Vern Rogers, Energy Solutions
Sarah Fields, Uranium Watch
Matt Pacenza, HEAL Utah

GREETINGS/MEETING CALLED TO ORDER

I. Dr. Peter Jenkins, Chairman, called the meeting to order at 1:09 p.m. He welcomed the Board Members and the public.

II. Minutes

Approval of the Minutes from the September 10, 2013 Board Meeting

Dr. Peter Jenkins, Chairman asked if any of the Board members had any corrections to the minutes. None were requested.

MOTION MADE BY MR. BRADY BRADFORD TO APPROVE THE MINUTES OF SEPTEMBER 10, 2013.

SECONDED BY DR. LINDSEY NESBITT

MOTION CARRIED AND PASSED UNANIMOUSLY

III. Administrative Rulemaking

a. Final approval to proposed changes to R313-28-80.

Mr. Craig Jones reviewed the proposed rule R313-28-80, Intraoral Dental Radiographic Systems (Proposed rule changes published in the August 15, 2013 issue of the Utah State Bulletin) and adoption of rule as originally proposed. Mr. Jones reported that the Director recommended that the Board approve the rule with the effective date of October 15, 2013.

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were requested.

MOTION MADE BY COMMISSIONER JERRY HURST TO ADOPT THE RULE R313-28-80 AS ORIGINALLY PROPOSED IN THE BOARD PACKET.

SECONDED BY MR. MATT RYDALCH

MOTION CARRIED AND PASSED UNANIMOUSLY

b. Approve for Rulemaking and Public Comment, Proposed Amendments to:

i. R313-14, Violations and Escalated Enforcement

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were requested.

MOTION MADE BY DR. LINDSEY NESBITT TO INITIATE RULEMAKING OF THE PROPOSED RULE R313-14.

SECONDED BY DR. RICHARD CODELL

MOTION CARRIED AND PASSED UNANIMOUSLY

ii. R313-25, Violations and Escalated Enforcement

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions.

Dr. Lindsey Nesbitt suggested to the Board there may be lack of understanding about the rules and would like to discuss them further; however, she had no recommended changes to the proposed language at this time.

MOTION MADE BY MR. BRADY BRADFORD TO INITIATE RULEMAKING OF THE PROPOSED RULE R313-25.

SECONDED BY COMMISSIONER JERRY HURST

MOTION CARRIED AND PASSED UNANIMOUSLY

Mr. Rusty Lundberg gave a brief summary on the steps that will follow on the rulemaking prior to any actions taken.

- c. Action on Petition for Rulemaking for Amendments to R313-25-8
 - i. Report from Board Subcommittee

Dr. Peter Jenkins, Chairman, asked the Board if they had any comments or suggestions. None were requested.

MOTION MADE BY DR. RICHARD CODELL TO ACCEPT THE SUB-COMMITTEE'S RECOMMENDATION AND LETTER TO SEND TO ENERGYSOLUTIONS IN RESPONSE TO THEIR PETITION.

SECONDED BY MR. BRADY BRADFORD

MOTION CARRIED AND PASSED UNANIMOUSLY

IV. Information Items

a . Uranium Mills

- i. Energy Fuels Resources (White Mesa Mill) - Upcoming October Public Meetings for Proposed License Amendment Regarding Alternative Feed From Dawn Mining - Mr. John Hultquist informed the board of the hearings being held for public comment period in Salt Lake and in Blanding, Utah. Mr. Rusty Lundberg added that questions received from the public for the public meeting are included in the Board Packet.

b. Low-level Radioactive Waste

- i. Low-Level Radioactive Waste Forum - Fall 2013 Meeting— Park City, Utah (October 22-23, 2013); EnergySolutions Clive Facility Tour (October 21, 2013—11:30 a.m. - Mr. Rusty Lundberg, updated the Board that the State of Utah will be hosting the Fall LLW Forum meeting that will be held in Park City October 22 - 23, 2013 in Park City, Utah. Mr. Lundberg also extended an invite to the Board to attend the tour of the Clive Facility on Monday, October 21, 2013.
- ii. Sealed Source Variance Update - Mr. Rusty Lundberg updated the Board on the Sealed Source Variance, for the EnergySolutions license condition that prohibits receiving sealed sources at the Clive facility. The Variance was approved by the Division in April 2012 and will expire one year after the first shipment is received. Mr. Lundberg also informed the Board that the first shipment was received by EnergySolutions on September 30, 2013.
- iii. Depleted Uranium Performance Assessment Update - Mr. Rusty Lundberg informed the Board members that a consultant to review of the performance assessment for the disposal of depleted uranium has been chosen. Stakeholders and the public will be updated of any progress made.

c. Other Division Items

- i. Activities Summary: 2013 Third Quarter - Mr. Rusty Lundberg pointed on the quarterly activities report included in the Board Packet.

d. Nuclear Regulatory Commission (NRC) Activities

- iv. Mr. Rusty Lundberg stated that the Division had sent a letter to the Nuclear Regulatory Commission (NRC) responding to concerns brought up by an concerned individual of the Division's procedures for 11e.(2) licensing actions, as required by the federal Atomic Energy Act. Mr. Lundberg also gave an update of the current NRC rulemaking activities for 10 CFR Part 61.

Meeting Adjourned at 1:46 p.m.

- I. **Next Scheduled Board Meeting: Tuesday, November 12, 2013, 1:00 p.m.**
Multi Agency State Office Building, Conference Room 1015
195 North 1950 West
Salt Lake City, Utah